

**ORDINANCE NO. 2880**

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO COLLOCATE A SIX-PANEL CELLULAR COMMUNICATIONS ANTENNA SYSTEM ON THE CITY OF FARMERS BRANCH WATER TOWER LOCATED ON APPROXIMATELY 6.01 ACRES AT 3725 VALLEY VIEW LANE, GENERALLY LOCATED ON THE NORTH SIDE OF VALLEY VIEW LANE AND EAST OF MARSH LANE WITHIN THE ONE FAMILY RESIDENCE DISTRICT-2 (R-2) ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the City Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that said change in zoning should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by changing the zoning map of the City of Farmers Branch so as to grant a specific use permit for collocation of a six-panel cellular communications antenna system to be mounted on the existing City of Farmers Branch water tower east of the City of Farmers Branch Justice Center building, approximately 6.01 acres located at 3725 Valley View Lane within the One Family Residence District-2 zoning district as described in Exhibit "A" and more fully depicted in Exhibit "B" attached hereto.

SECTION 3. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by the granting of a specific use permit including an associated site plan for a cellular communications antenna system and equipment building to be constructed, situated and located in accordance with the lease area attached hereto as Exhibit "C" and the approved site plan attached hereto as Exhibit "D" and with the following conditions:

1. The equipment shelter's exterior finish shall match the color of the Justice Center building and the antennas shall match the color of the water tower.
2. MetroPCS or subsequent owner of the antenna system and equipment shelter shall remove the wireless communications antenna, associated equipment shelter, and all appurtenances within ninety (90) days subsequent to such time that the antenna and equipment shelter become obsolete and the use is abandoned.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

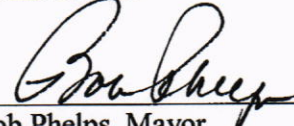
SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage and as the law in such case provides.

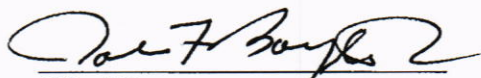
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 13th of November, 2006.

APPROVED:




Bob Phelps, Mayor

APPROVED AS TO FORM:



City Attorney
(Reviewed by Atty. J. Boyle, 9-7-06)

ATTEST:



Cindee Peters, City Secretary

Exhibit "A" - Parent Tract

of the County of DALLAS, State of TEXAS, all that certain

tract or parcel of land situated in Dallas County, Texas, and being situated in the SAMUEL P. BROWN SURVEY, ABSTRACT NO. 164 in the City of Farmers Branch, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South line of Valley View Lane (a 60 foot R.O.W.), that is North 89 deg. 49 min. 10 sec. East, 181.90 feet from the intersection of said South line of Valley View Lane as extended with the East line of Marsh Lane (a 60 foot R.O.W.) as extended;

THENCE North 89 deg. 49 min. 10 sec. East, along said South line of Valley View Lane, 936.63 feet to its intersection with the proposed North line of the Future Realignment of Valley View Lane (a proposed 100 foot R.O.W.);

THENCE along said proposed North line of the Future Realignment of Valley View Lane as follows:

South 61 deg. 07 min. 40 sec. West, 524.45 feet to the beginning of a curve to the right, having a central angle of 28 deg. 51 min. 55 sec. and a radius of 660.0 feet;

In a Westerly direction and around said curve, 332.50 feet to the end of said curve;

South 89 deg. 59 min. 35 sec. West, 340.61 feet to a point in said East line of Marsh Lane;

THENCE North 0 deg. 00 min. 25 sec. West along said East line of

Marsh Lane, 149.89 feet to the beginning of a curve to the right having a central angle of 89 deg. 49 min. 35 sec. and a radius of 182.45 feet;

THENCE in a Northeasterly direction and around said curve of the street intersection right-of-way line, 286.04 feet to the point of beginning and containing 6.01 acres of land.

Exhibit "B" – Locator Map

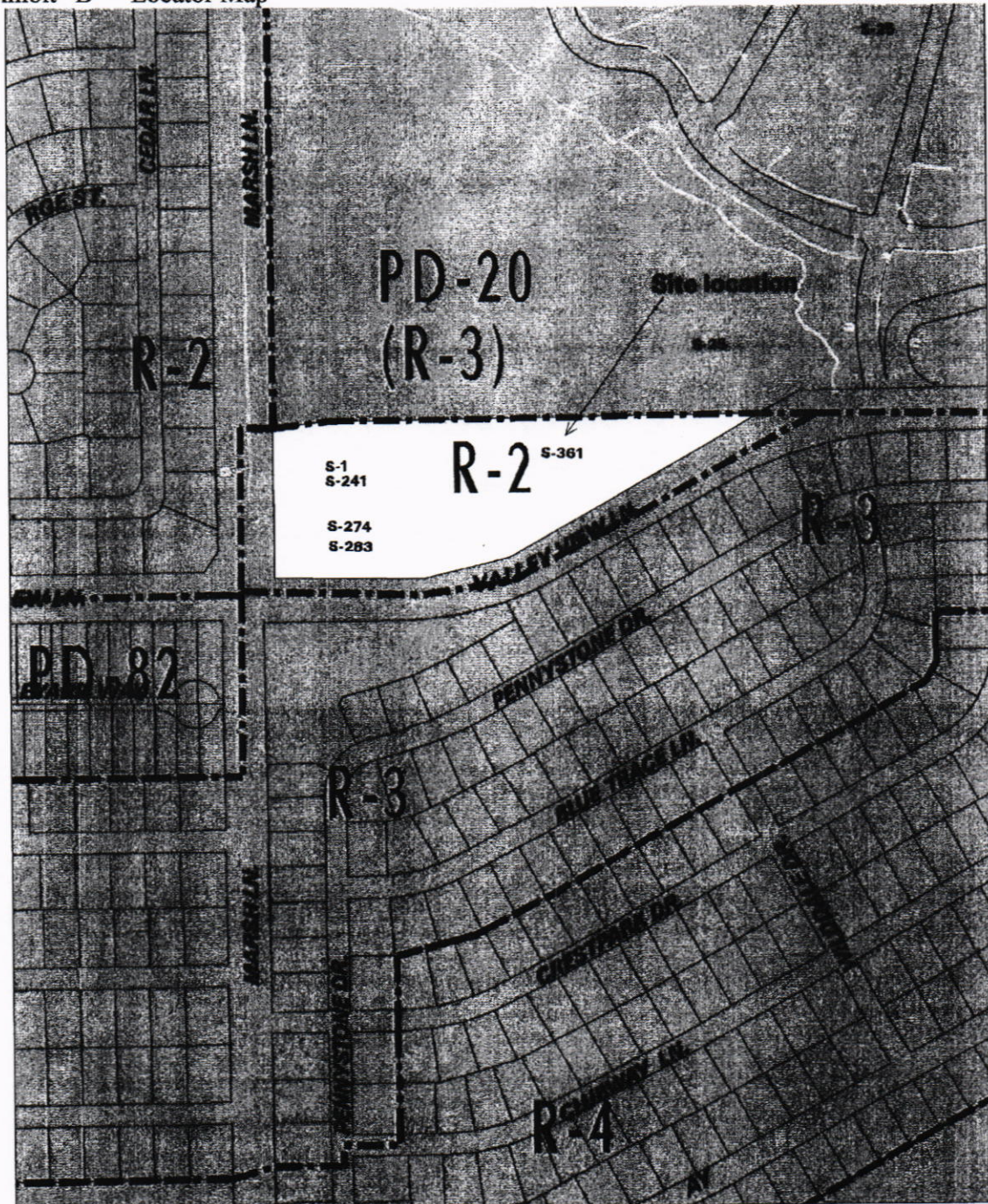


Exhibit "C"- Lease Area

LEGAL DESCRIPTION
LEASE AREA

BEING a tract of land situated in the Samuel P. Brown Survey, Abstract No. 164, City of Farmers Branch, Dallas County, Texas, same being out of and a portion of that certain tract of land conveyed to the City of Farmers Branch by Warranty Deed dated April 20, 1966, and recorded in Volume 66823, Page 0758, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a monument found for the most easterly corner of said City of Farmers Branch tract, same being the most southerly southeast corner of the Replat of Brookhaven College, an addition to the City of Farmers Branch, Dallas County, Texas, according to the map or plat thereof as recorded in Volume 86105, Page 2676, Deed Records, Dallas County, Texas, and being on the existing north right-of-way line of Valley View Lane (100' right-of-way);

THENCE along the north line of said City of Farmers Branch tract, same being the south line of said Replat of Brookhaven College, South 89 degrees 21 minutes 27 seconds West, a distance of 489.62 feet to a Point;

THENCE through the interior of said City of Farmers Branch tract, South 00 degrees 32 minutes 47 seconds East, a distance of 65.31 feet to the northwest corner of the herein described lease area for THE POINT OF BEGINNING hereof;

THENCE continuing through the interior of said City of Farmers Branch tract the following four (4) courses:

North 89 degrees 27 minutes 13 seconds East, a distance of 14.00 feet to a Point at the northeast corner of the herein described lease area;

South 00 degrees 32 minutes 47 seconds East, a distance of 12.00 feet to a Point at the southeast corner of the herein described lease area;

South 89 degrees 27 minutes 13 seconds West, a distance of 14.00 feet to a Point at the southwest corner of the herein described lease area;

North 00 degrees 32 minutes 47 seconds West, a distance of 122.00 feet to the POINT OF BEGINNING hereof and containing 0.0039 acres or 168 square feet of land, more or less.

metroPOS

6510 WINDCREST DRIVE
SUITE 100
PLANO, TX 75024

ABBREVIATIONS WHERE APPLICABLE

AS	ASBESTOS
AV	AUTOMATIC VALVE
CC	CONCRETE
CD	CEILING DRAIN
CE	CEILING
CH	CHIMNEY
CL	CLOSET
CM	COMMON
CP	CORNER PLATE
CS	CORNER STUD
CT	CURTAIN
CU	CUPBOARD
CV	CURB VALVE
DA	DRAINAGE AREA
DB	DRAINAGE BASIN
DC	DRAINAGE CURB
DE	DRAINAGE EQUIPMENT
DF	DRAINAGE FLOOR
DG	DRAINAGE GROUND
DI	DRAINAGE INLET
DJ	DRAINAGE JUNCTION
DK	DRAINAGE KICK
DL	DRAINAGE LINE
DM	DRAINAGE MANHOLE
DN	DRAINAGE NUT
DO	DRAINAGE OUTLET
DP	DRAINAGE PLATE
DQ	DRAINAGE QUANTITY
DR	DRAINAGE RUN
DS	DRAINAGE SLOPE
DT	DRAINAGE TIE
DU	DRAINAGE UNION
DV	DRAINAGE VALVE
DW	DRAINAGE WARE
DX	DRAINAGE EXHAUST
DY	DRAINAGE YARD
DZ	DRAINAGE ZONE

SYMBOLS AND MATERIALS WHERE APPLICABLE

1	NO. ANTENNA
2	EXT. ANTENNA
3	ASPHALT
4	ELECTRIC BOX
5	LIGHT POLE
6	PL. MONUMENT
7	SPOT ELEVATION
8	SET ELEVATION
9	REVISION
10	END REFERENCE
11	PROPERTY LINE
12	STEPPED FOOTING
13	MATCH LINE
14	WORK POINT
15	CORRAL, CABLE
16	GROUND WIRE # 2 ANG

ABBREVIATIONS WHERE APPLICABLE

AW	ASBESTOS
AV	AUTOMATIC VALVE
CC	CONCRETE
CD	CEILING DRAIN
CE	CEILING
CH	CHIMNEY
CL	CLOSET
CM	COMMON
CP	CORNER PLATE
CS	CORNER STUD
CT	CURTAIN
CU	CUPBOARD
CV	CURB VALVE
DA	DRAINAGE AREA
DB	DRAINAGE BASIN
DC	DRAINAGE CURB
DE	DRAINAGE EQUIPMENT
DF	DRAINAGE FLOOR
DG	DRAINAGE GROUND
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DJ	DRAINAGE JUNCTION
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DL	DRAINAGE LINE
DM	DRAINAGE MANHOLE
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DO	DRAINAGE OUTLET
DP	DRAINAGE PLATE
DQ	DRAINAGE QUANTITY
DR	DRAINAGE RUN
DS	DRAINAGE SLOPE
DT	DRAINAGE TIE
DU	DRAINAGE UNION
DV	DRAINAGE VALVE
DW	DRAINAGE WARE
DX	DRAINAGE EXHAUST
DY	DRAINAGE YARD
DZ	DRAINAGE ZONE

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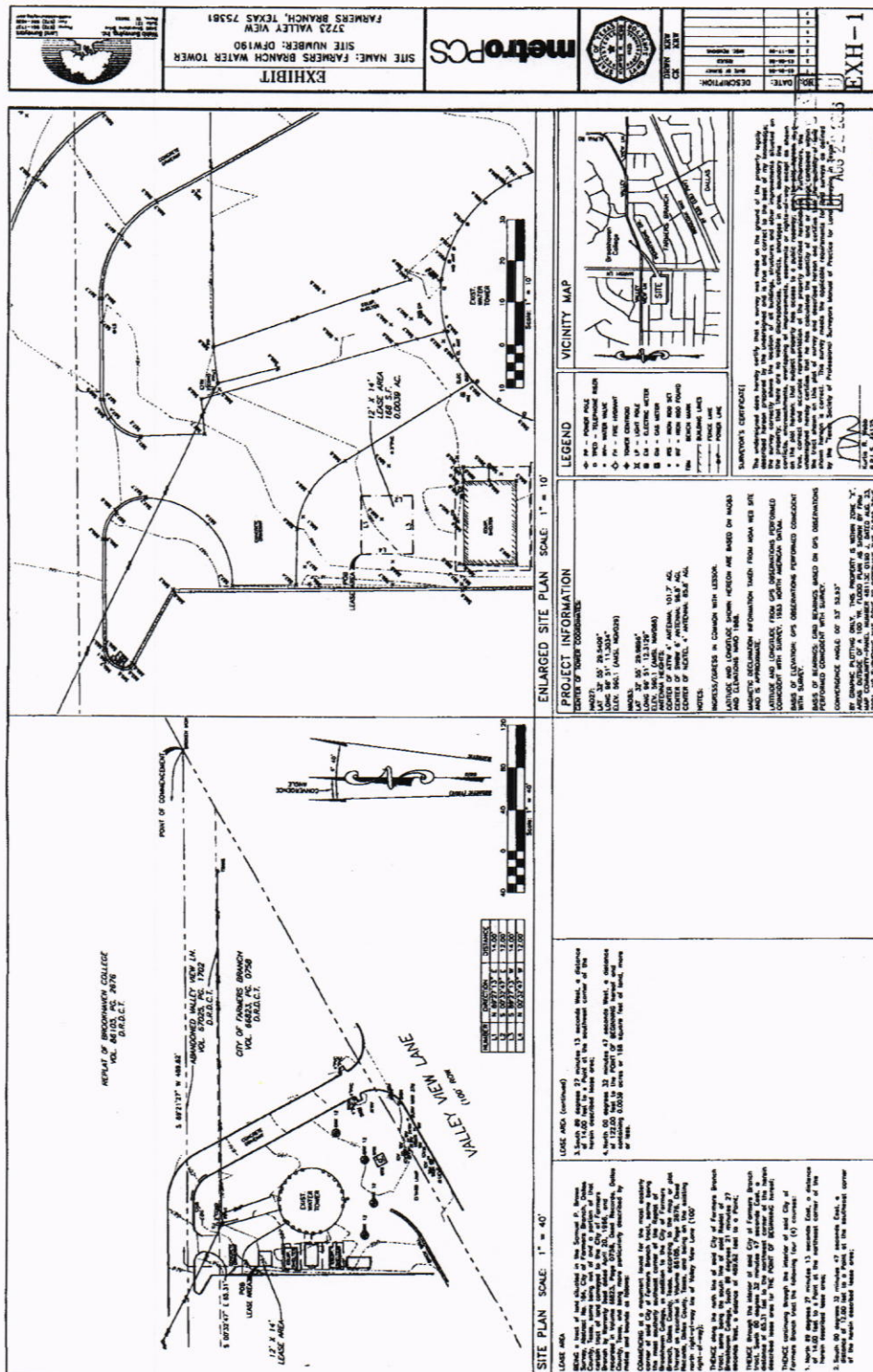
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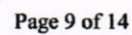
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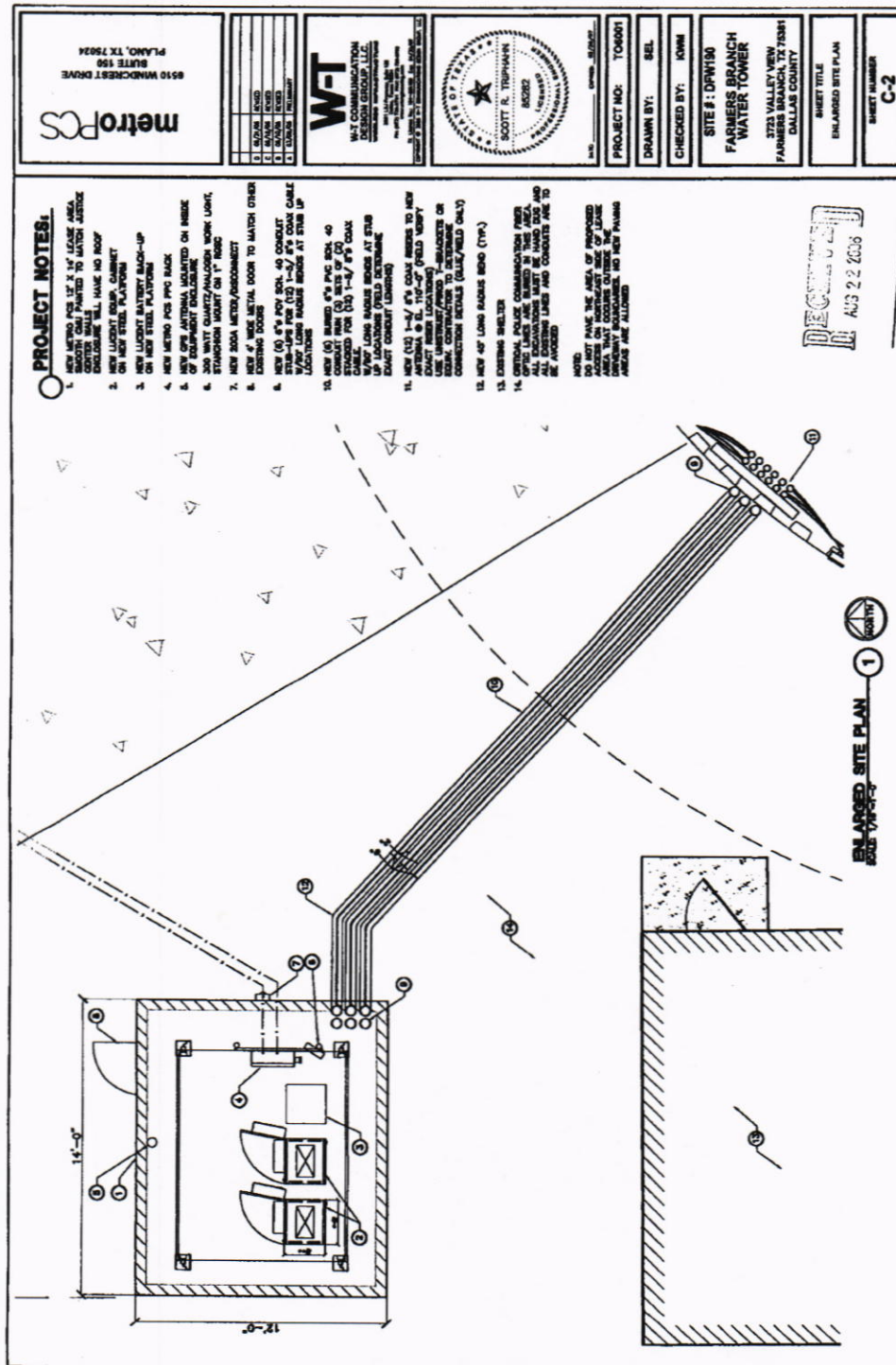


Exhibit "D" - Site Plan Elevations

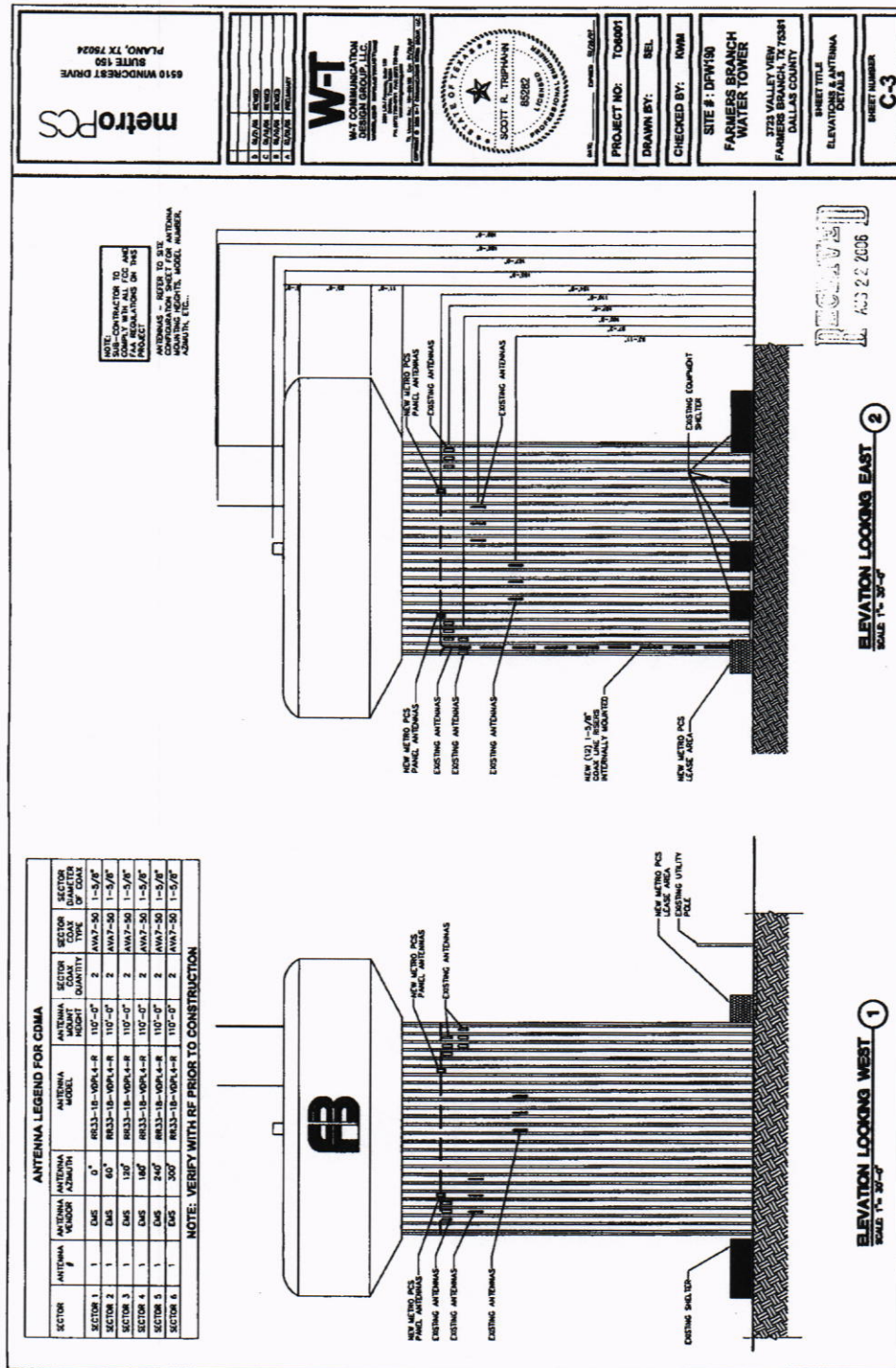
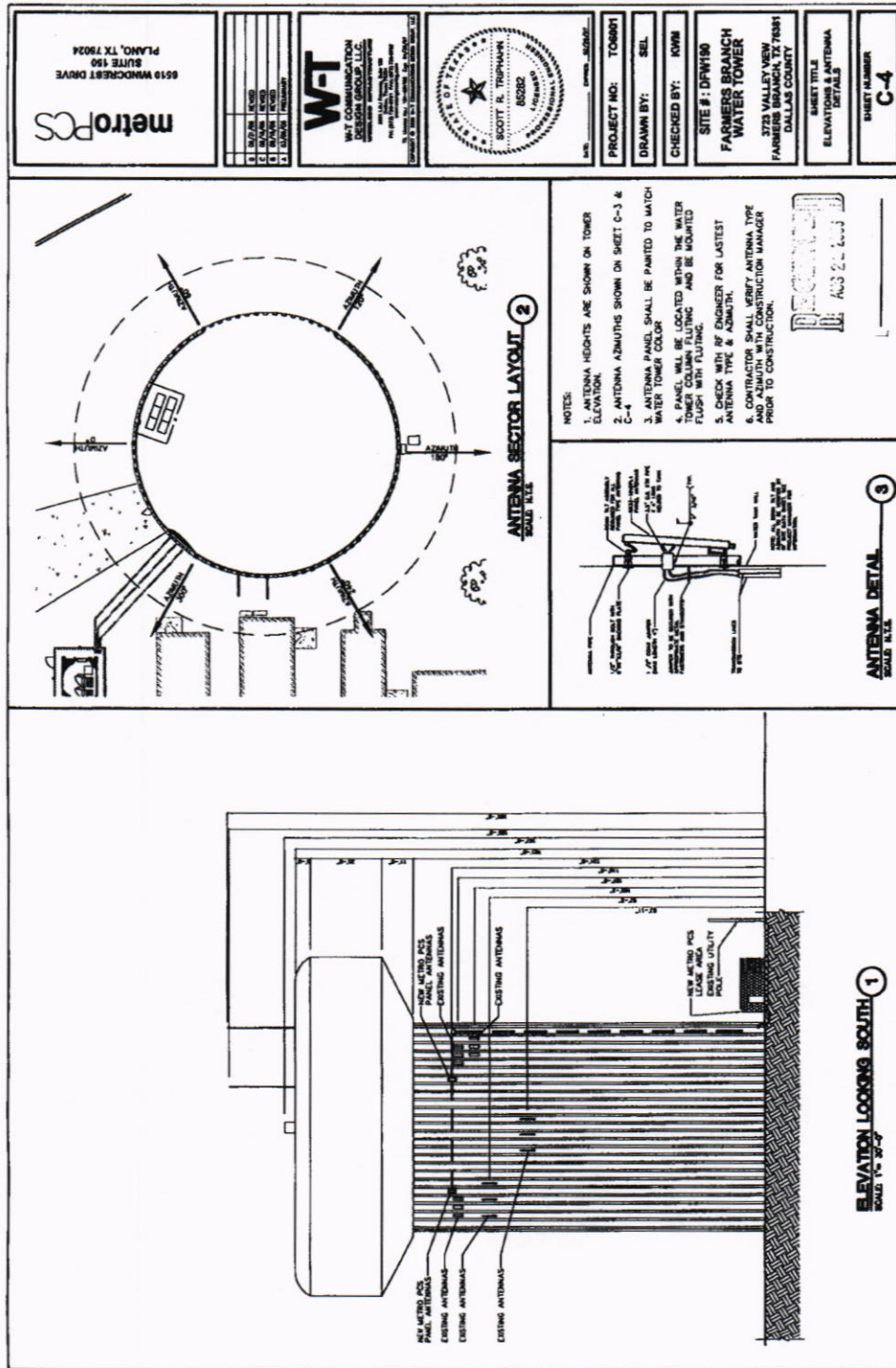
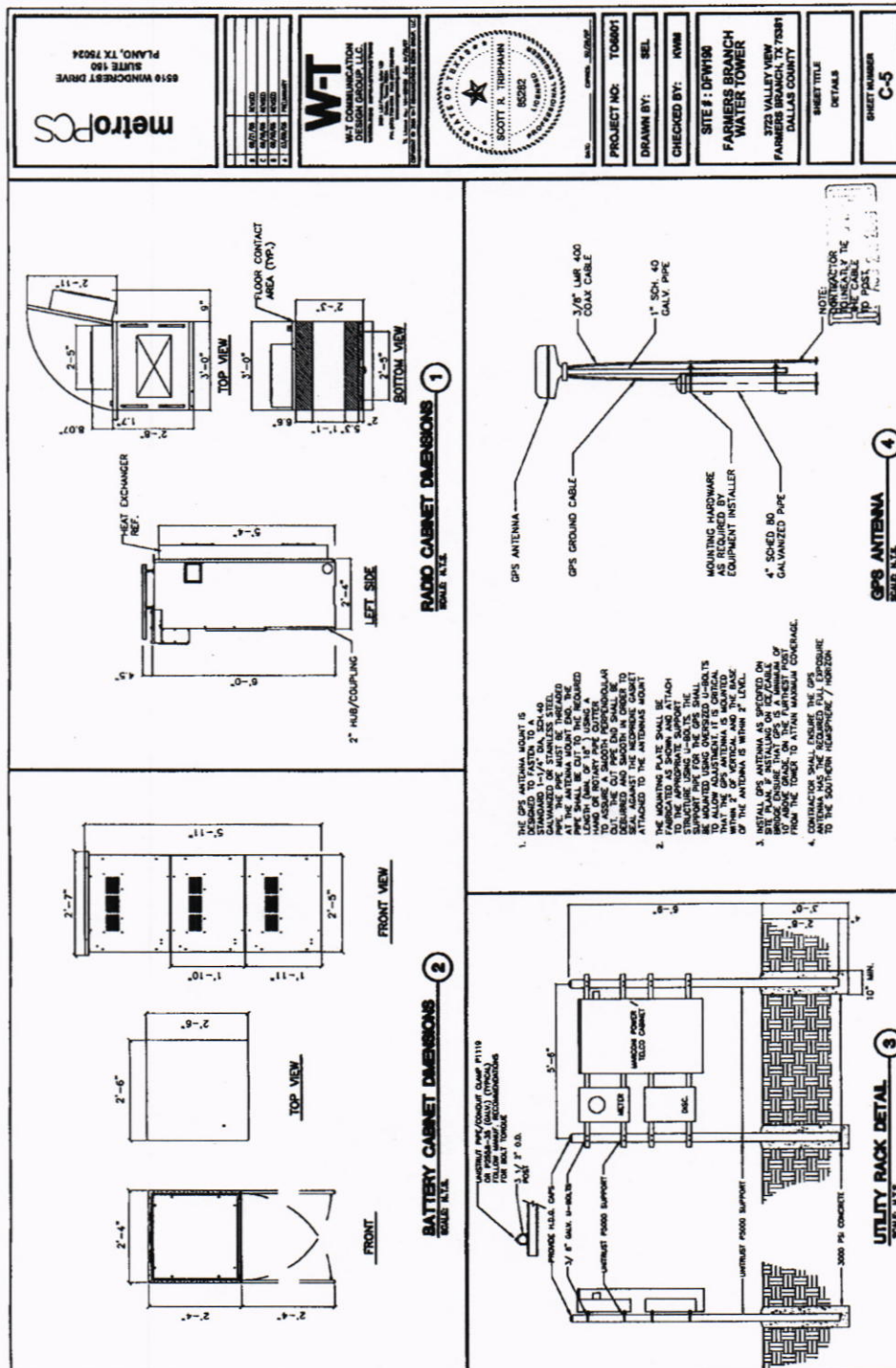


Exhibit "D" - Site Plan Elevation & Details



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